

MUNICIPAL CLERK
ATLANTA, GEORGIA

01-2-0989

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS OF EDWARD MITCHELL AGAINST THE CITY OF ATLANTA
IN THE CASE OF EDWARD MITCHELL V. THE CITY OF ATLANTA,
CIVIL ACTION NUMBER: 1:99-CV-1859, FILED IN THE UNITED STATES DISTRICT COURT; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000); AND FOR OTHER PURPOSES.

WHEREAS, on July 20, 1999, Plaintiff Edward Mitchell initiated the case of Edward Mitchell v. City of Atlanta, pursuant to the Americans with Disabilities Act ("ADA"), 42 U.S.C. Section 12101 et seq.; and

WHEREAS, in September 1998 Edward Mitchell applied for a position as a corrections officer with the City of Atlanta; and

WHEREAS, in connection with his application, Mitchell was required to submit to a physical examination; and

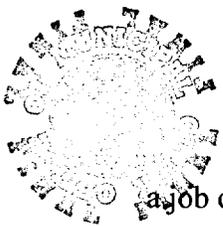
WHEREAS, during his health screening it was confirmed that he suffered from insulin dependant diabetes; and

WHEREAS, on January 6, 1999, the Plaintiff was notified that he would not be hired for the position of corrections officer because of his insulin dependant diabetes condition; and

WHEREAS, the Plaintiff filed an EEO Complaint on January 11, 1999; and

WHEREAS, on February 24, 1999, the Plaintiff's filed was reactivated; and

WHEREAS, after months of trying to contact the Plaintiff, the Department of Corrections made



a job offer to the Plaintiff on May 7, 1999; and

WHEREAS, the Plaintiff started working with the Department of Corrections as an officer on June 1, 1999; and

WHEREAS, the Plaintiff filed this lawsuit seeking reimbursement for lost wages, compensatory damages, costs, and attorneys fees; and

WHEREAS, by Order dated February 27, 2001, United States District Court Judge Jack T. Camp denied Defendant's motion for summary judgment; and

WHEREAS, as a result of the Order, the legal issue to be determined at trial is whether the Defendant regarded the Plaintiff as disabled; and

WHEREAS, Plaintiff, through his attorneys, has agreed to settle all claims of plaintiff against the City of Atlanta for the sum of thirty-five thousand (\$35,000) dollars; and

WHEREAS, the City Attorney considers it to be the best interest of the City to resolve this matter and recommends that the above settlement be entered into; and

WHEREAS, by this settlement, Defendant City of Atlanta admits no liability; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude the settlement of all claims against the City of Atlanta, as set forth in Civil Action No.: 1:99-CV-1859, United States District Court, for the aggregate amount of thirty-five thousand dollars (\$35,000).

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Thirty-Five Thousand Dollars (\$35,000) at the direction of the City Attorney from the account of 1A01529017 T3 1001. Payment shall be in the form of a check in the amount of \$35,000,



payable to Plaintiff Edward Mitchell and his Attorneys Andrew Y. Coffman and Larry A. Pankey.

A true copy,

Shonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUL 02, 2001

JUL 11, 2001

RCS# 2964
7/02/01
2:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

| | | | |
|-----------|-----------|-----------|-------------|
| Y McCarty | NV Dorsey | Y Moore | Y Thomas |
| Y Starnes | Y Woolard | Y Martin | B Emmons |
| Y Bond | Y Morris | Y Maddox | Y Alexander |
| Y Winslow | Y Muller | Y Boazman | NV Pitts |

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0819

CONSENT

07/02/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0869
2. 01-O-0965
3. 01-O-0969
4. 01-O-0977
5. 01-O-0857
6. 01-O-0911
7. 01-O-0968
8. 01-O-0920
9. 00-R-1625
10. 01-R-0929
11. 01-R-0931
12. 01-R-0932
13. 01-R-0989
14. 01-R-0993
15. 01-R-0957
16. 01-R-0926
17. 01-R-0982
18. 01-R-0923
19. 01-R-0956
20. 01-R-0963
21. 01-R-0975
22. 01-R-1001
23. 01-R-0933
24. 01-R-0934
25. 01-R-0935

**ITEMS ADVERSED
ON CONSENT AGENDA**

26. 01-R-0936
 27. 01-R-0937
 28. 01-R-0938
 29. 01-R-0939
 30. 01-R-0940
 31. 01-R-0941
 32. 01-R-0942
 33. 01-R-0943
 34. 01-R-0944
 35. 01-R-0945
 36. 01-R-0946
 37. 01-R-0947
 38. 01-R-0948
 39. 01-R-0949
 40. 01-R-0950
 41. 01-R-0951
 42. 01-R-0952
 43. 01-R-0953
 44. 01-R-0954
 45. 01-R-0955
-

01- P -0989

(Do Not Write Above This Line)

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING SETTLEMENT OF ALL CLAIMS OF EDWARD MITCHELL AGAINST THE CITY OF ATLANTA IN THE CASE OF EDWARD MITCHELL V. THE CITY OF ATLANTA, CIVIL ACTION NUMBER: 1-99-CV-1859, FILED IN THE UNITED STATES DISTRICT COURT; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000); AND FOR OTHER PURPOSES.

APPROVED BY: [Signature] DEPUTY CITY ATTORNEY

ADOPTED BY JUL 02 2001 COUNCIL

- CONSENT REFER
REGULAR REPORT REFER
ADVERTISE & REFER
1st ADOPT 2nd READ & REFER
PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee
Date
Chair
Action:
Fav, Adv, Hold (see rev. side)
Other:
Members
Refer To

Committee
Date
Chair
Action:
Fav, Adv, Hold (see rev. side)
Other:
Members
Refer To

FINAL COUNCIL ACTION
2nd
1st & 2nd
3rd
Readings
Consent
V Vote
RC Vote

CERTIFIED

CERTIFIED
JUL 02 2001
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
JUL 02 2001
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 11 2001

WITHOUT SIGNATURE BY OPERATION OF LAW